IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7037 OF 2006

Reliance Energy Limited & Anr. ... Petitioners

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. E.P. Bharucha, senior advocate with Ms. Anjali Chandurkar and Mr. D.J. Kakalia i/b M/s. Mulla & Mulla & Craigie Blunt & Caroe for the petitioners.

Ms. Jyoti Pawar, A.G.P. for respondents 1 and 2.

CORAM : SMT. RANJANA DESAI & V.M. KANADE, JJ.

DATED : 28TH NOVEMBER, 2006.

P.C.:-

1. In this petition, the petitioners have prayed that order dated 13/10/2006 passed by the Tahsildar, Dahanu, directing the petitioners to pay penalty to the tune of Rs.72,88,20,435/- be set aside.

2. We have heard the learned counsel for the parties. In our opinion, the impugned order dated 13/10/2006 needs to be set aside without expressing any opinion on the merits of the case because a proper show cause notice has not been served on the petitioners nor have they been given a hearing. Hence, we set aside the impugned order dated 13/10/2006 passed by the Tahsildar, Dahanu, on the ground that before passing such order and

deciding quantum, no opportunity of hearing was afforded to the petitioners. The respondents shall issue a show cause notice to the petitioners within a period of one week from today. On receipt of the show cause notice, the petitioners should submit their reply within two weeks from the receipt of the show cause notice. The Tahsildar shall then give a hearing to the petitioners and pass appropriate orders. This entire exercise should be completed within a period of six weeks. If the order is adverse to the petitioners, the same shall not be executed for a period of four weeks from the date of the said order.

3. We again make it clear that we have not expressed any opinion on the merits of the case and the Tahsildar shall pass appropriate orders in accordance with law.

4. Writ petition is disposed of.

[SMT. RANJANA DESAI, J.]

[V.M. KANADE, J.]